

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

| | | |
|----------------------------------|---|------------------------------|
| ABBOTT GMBH & CO., KG, |) | |
| ABBOTT BIORESEARCH CENTER, INC., |) | |
| AND ABBOTT BIOTECHNOLOGY LTD., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | C.A. No. 4:09-CV-11340 (FDS) |
| |) | |
| CENTOCOR ORTHO BIOTECH, INC. AND |) | |
| CENTOCOR BIOLOGICS, LLC, |) | JURY TRIAL DEMANDED |
| |) | |
| Defendants. |) | |

**DEFENDANTS' REQUEST FOR LEAVE TO FILE A REBUTTAL TO ABBOTT'S
OPPOSITION TO CENTOCOR'S MOTION TO AMEND ITS CLAIM
CONSTRUCTION PLEADING**

Centocor seeks leave to file a short rebuttal to Abbott's Opposition to Centocor's Motion to Amend Its Claim Construction Pleading. The Court's briefing schedule on claim construction briefing on the term "human antibody" does not provide for the filing of a reply brief by Centocor, but as further described in Centocor's Rebuttal paper filed herewith as Exhibit 1, Centocor seeks to address certain misleading or erroneous factual assertions made by Abbott in its Opposition.

Respectfully submitted,

Date: March 10, 2011

By: *Dianne Elderkin*

Dianne B. Elderkin (*pro hac vice*)

delderkin@akingump.com

Barbara L. Mullin (*pro hac vice*)

bmullin@akingump.com

Steven D. Maslowski (*pro hac vice*)

smaslowski@akingump.com

Angela Verrecchio (*pro hac vice*)

averrecchio@akingump.com

Matthew A. Pearson (*pro hac vice*)

mpearson@akingump.com

AKIN GUMP STRAUSS HAUER & FELD LLP

Two Commerce Square

2001 Market Street, Suite 4100

Philadelphia, PA 19103-7013

215-965-1200

Heather P. Repicky (BBO # 663347)

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, MA 02210

617-439-2000

Attorneys For Defendants

CENTOCOR ORTHO BIOTECH, INC. and

CENTOCOR BIOLOGICS, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Defendants' Request For Leave To File A Rebuttal to Abbott's Opposition to Centocor's Motion to Amend its Claim Construction Pleadings was electronically mailed to counsel of record on March 10, 2011 through the Court's ECF notification system.

A handwritten signature in black ink, appearing to read "Angela Verrecchio", is written over a light gray rectangular background.

Angela Verrecchio